

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE RAUL RAMIREZ, GLENDA RAMIREZ,
AND EDGAR RAUL RAMIREZ,

Plaintiffs,

-against-

JENNER & BLOCK LLP; WEIL, GOTSHAL
& MANGES; *et al.*,

Defendants.

21-CV-4674 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiffs, proceeding *pro se*, submitted a document on May 24, 2021, which was captioned for the U.S. District Court for the Southern District of New York, but was labeled as “Joint Reply of [Jose and Glenda Ramirez] (NO. 20760) with respect to joint reply of Consumer Representative and Plan Administrator in support of the Sixteenth Omnibus Objection.” (ECF 1.) It included the case number 19-10412, which is not the docket number for any case pending in the District Court. The submission was opened as a new civil action, and the Court issued an order directing Plaintiffs to either pay the filing fees or seek leave to proceed *in forma pauperis*.

On June 23, 2021, the court received a letter filed by counsel for the Consumer Claims Trustee and the Plan Administrator in the chapter 11 case of *In re Ditech Holdings, Inc.*, case no 19-10412 (JLG), pending in the U.S. Bankruptcy Court for the Southern District of New York. (ECF 4.) Counsel explained that the Plan Administrator had filed an objection in the Bankruptcy Court to the proof of claim filed by Jose and Glenda Ramirez, that Mr. and Mrs. Ramirez had responded by filing an objection, and that counsel had filed a reply to the Ramirez’s objection. A hearing was set for May 27, 2021. Counsel stated that it appeared the Ramirez’s Joint Reply was

filed in the District Court in error and asked that the submission be transferred to the Bankruptcy Court and that this matter be closed. (ECF 4.)

The Court concludes, based on the Bankruptcy Court case number on the first page, the subject matter, and the title of the submission, among other indicia to which counsel refers, that the Ramirez's submission should not have been opened as a new action. Accordingly, the Court directs the Clerk of Court to transfer the Joint Reply (ECF 1) to the United States Bankruptcy Court for the Southern District of New York to be docketed in *In re Ditech Holdings, Inc.*, No. 19-10412 (JLG) (Bankr. S.D.N.Y.).

The Clerk of Court is further directed to vacate the deficiency order (ECF 3), and administratively close this action, No. 21-CV-4674, without prejudice to the pending bankruptcy action.

Plaintiffs have consented to electronic service. (ECF 2.)

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: June 28, 2021
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge